

L I C H T E N & L I S S - R I O R D A N , P . C .

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October 7, 2021

VIA CM/ECF

Hon. Jesse M. Furman
Thurgood Marshall United State Courthouse
40 Foley Square
Courtroom 1105
New York, NY 10007

RE: IBM Arbitration Agreement Litigation, C.A. Nos. 21-CV-6296 (JMF); 21-CV-6308 (JMF); 21-CV-6310 (JMF); 21-CV-6312 (JMF); 21-CV-6314 (JMF); 21-CV-6320 (JMF); 21-CV-6322 (JMF); 21-CV-6325 (JMF); 21-CV-6326 (JMF); 21-CV-6331 (JMF); 21-CV-6340 (JMF); 21-CV-6341 (JMF); 21-CV-6351 (JMF); 21-CV-6353 (JMF); 21-CV-6375 (JMF); 21-CV-6377 (JMF); 21-CV-6384 (JMF)

Dear Judge Furman:

I represent Plaintiffs in the above-referenced matters. Pursuant to Your Honor's Individual Rule 7(C)(ii), Plaintiffs seek permission to file their Motion for Summary Judgment under seal, along with the accompanying Declaration of Shannon Liss-Riordan and exhibits.

The reason for this request is that these documents contain information that falls under the scope of the confidentiality agreement contained within IBM's arbitration agreements (see Exhibit 2 to Liss-Riordan Decl.), which is the subject of Plaintiffs' Motion for Summary Judgment. As explained extensively in the Motion for Summary Judgment, Plaintiffs do not believe that IBM's confidentiality provision in its arbitration agreement should be enforced. Plaintiffs further believe that these documents be publicly filed. In particular, Plaintiffs note that Your Honor's Individual Rule 7(B) states in relevant part that: "In general, the parties' consent or the fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption in favor of public access to judicial government." (citing In re Gen. Motors LLC Ignition Switch Litig., No. 14-MD-2543 (JMF), 2015 WL 4750774, at *4 (S.D.N.Y. Aug. 11, 2015).

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Nevertheless, until IBM has had the opportunity to respond, and the Court has had the opportunity to consider the parties' arguments regarding confidentiality, Plaintiffs request that, at least preliminarily, these documents be permitted to be filed under seal.

Sincerely,

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2021, a true and accurate copy of the foregoing document was filed via this Court's CM/ECF system.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan

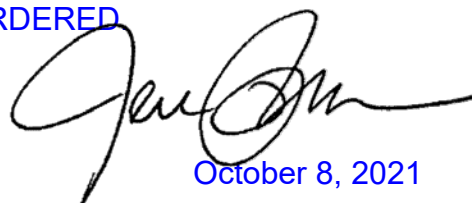
The materials shall be filed under seal temporarily pending the Court's ruling on the underlying motion, at which time the Court will direct the parties to brief whether they should remain under seal.

Counsel is reminded that the Court's Order of August 24, 2021, see ECF No. 20, consolidated all cases under case number 21-CV-6296 and directed that **all future filings in the consolidated actions are to be made only under case number 21-CV-6296**. Accordingly, filings need not include the other docket numbers and **should not** be filed on the other dockets.

The Clerk of Court is directed to terminate ECF No. 30 in 21-CV-6296 and the corresponding motions in all of the related cases.

SO ORDERED

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October 8, 2021